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EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 19th August, 2011:—

I

Bill No. L of 2010

A Bill to provide for free and compulsory education to every girl child whose parents are living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Girls (Free and Compulsory Education) Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the State Government and in all other cases the Central Government;

Short title,
extent and
commencement.

Definitions.

(b) "education" means education of all types including technical, Medical and any higher education;

(c) "girl child" means a female who has not attained the age of eighteen years;

(d) "institution" means a technical educational institution or Medical educational institution or universities;

(e) "person living below poverty line" means a person whose income from all sources is less than rupees three thousand per month;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "school" means an educational institution imparting education.

Free and compulsory education to girl child.

3. (1) The appropriate Government shall provide free and compulsory education to every girl child whose parents are living below poverty line and are ordinarily residing in its territorial jurisdiction.

(2) The appropriate Government shall provide to every girl child born of parents living below poverty line, the following facilities:—

(i) free education up to all level including technical, Medical and all types of higher education;

(ii) free stationery items like books, note-books, writing material;

(iii) free school uniform;

(iv) free hostel facility and meal during school time; and

(v) stipend at the rate of one hundred rupees upto primary level, two hundred rupees up to middle level and five hundred rupees per month upto higher secondary level and to provide full financial help at technical, Medical and university level education.

Appropriate Government to establish and maintain schools.

4. The appropriate Government shall establish and maintain or cause to be established or maintained such primary, middle or higher secondary schools and technical institutions and universities within its territorial jurisdiction as the appropriate Government may deem necessary for the purpose of carrying out the provisions of this Act.

Responsibility of parents.

5. It shall be the responsibility of every parent to get his girl child admitted to a school or institution for receiving education and the parent shall not in any manner restrain the girl child from attending the school or institution till she completes here education.

Girl child not to be employed in job.

6. No person shall employ a girl child in a job which prevents her from attending school for receiving education.

Penalty.

7. Any person including a parent, who for any reason prevents, restrains or otherwise obstructs a girl child from receiving education in a school or institution, shall be liable to simple imprisonment which may extend to one year.

Power to make rules.

8. The Central Government may by notification in the Official Gazette make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The ability to read and write is an essential element of human capability, Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunity for girls, empowers them to resist oppression and to claim their right.

In our country, girls belong to weaker and vulnerable section of the society. Although many steps have been taken to improve their condition, however, nothing concrete, has been done. Even today, girls are not treated equally and are subject to discrimination by their parents. They are kept away from school and are forced to assist their mothers in household affairs and are deprived of childhood joys. In various states, child marriage is still in practice and parents are forcing girl child to get married as they feel that their girl child is not safe after attaining the age of ten.

It is appropriate time to take stock of the situation and to ensure that girls belonging to poor families are given free and compulsory education. They should also be provided with facilities like free stationery items, free uniform, writing materials, hostel facilities and transport facilities, etc. to encourage them to get education. This will not only help in eradication of illiteracy from the country but will also help the girls to grow and compete with their male counterparts and are not subjected to harassment.

Hence, this Bill.

DR. T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education and other facilities to every girl child whose parents are living below poverty line by the appropriate government. Clause 4 provides for establishment and maintenance of schools and institutions by appropriate government. The Central Government will bear the expenditure incurred in respect of Union territories and the State Governments will bear the expenditure incurred in respect of their States out of their respective consolidated funds.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifteen hundred crore per annum is likely to be involved.

A non-recurring expenditure of about rupees eighteen hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

II

Bill No. XXVIII of 2011

A Bill to provide for special financial assistance to the State of Uttar Pradesh for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward sections of people and for the development, exploitation and proper utilization of its resources.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Special Financial Assistance to the State of Uttar Pradesh Act, 2011.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special
Financial
assistance to
the State of
Uttar
Pradesh.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Uttar Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward sections of people and for the development, proper utilization and exploitation of the resources in the State.

Act not in
derogation of
other laws.

3. The provisions of this Act shall be in addition to and not in derogation of any other law made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Uttar Pradesh is the most populous State in the country. Geographically, it is the second largest State in the country. The State of Uttar Pradesh is socially, educationally, industrially and economically backward in terms of the capital and resources. Although, the State Government is making efforts in addressing the problem of poverty, hunger, unemployment and illiteracy from their own resources but due to the scarce resources of the State, the holistic development of the State especially the Bundelkhand region, Chitrakoot, Banda and Poorvanchal regions, etc. could not be achieved. These problems can only be overcome by the joint efforts of the State Government, Central Government and the people of the region. Measures for proper utilization of resources, welfare of weaker sections in the region and initiating new development schemes are also required to be undertaken in an expeditious and time-bound manner.

The present State Government is doing its level best to bring progress and prosperity in the Bundelkhand, eastern and other parts of the State through various poverty alleviation schemes and welfare measures but all this will require Central assistance. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Uttar Pradesh for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and stronger.

Hence, this Bill.

NARENDRA KUMAR KASHYAP

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the State of Uttar Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Uttar Pradesh. As the sums of moneys which will be given to the State of Uttar Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is therefore not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

III

Bill No. XXIX of 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
commence-
ment

1. (1) This Act may be called the Constitution (Amendment) Act, 2011.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Insertion of
new article
16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely,—

Right to
employment.

“16A. Every citizen, who has attained the age of eighteen years, shall have the right to employment:

Provided that any such citizen, who is not provided with employment, shall be entitled to unemployment allowance at such rate as Parliament may, by law, determine.”

STATEMENT OF OBJECTS AND REASONS

Even after sixty-four years of Independence, twenty-seven per cent of India's population is living below poverty line and large section of people die of starvation every year. Although poverty has been checked to a large extent, yet a large section of our society is unemployed and as such they do not have any source of income. In the absence of adequate employment opportunities youth take re-course to sustain themselves by joining extremist, terrorist and criminal activities and also indulge in other anti-social activities such as kidnapping, robbery, hijacking, etc., which is not good for the growth and unity and integrity of the nation. Therefore, time has come to amend the Constitution to make right to employment a fundamental right, so that the young generation do not indulge in anti-national activities. Besides, making right to employment a fundamental right of the citizens, the Bill also provides for payment of unemployment allowance to all unemployed citizens till they are provided with employment. This will help young generation financially, discourage them from indulging in anti-national activities and on the other hand will engage them in nation building activities.

Hence, this Bill.

NARENDRA KUMAR KASHYAP

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every citizen shall have the right to the employment. The Bill, therefore, if enacted, will involve expenditure for the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

IV

Bill No. XXVII of 2011

A Bill to prohibit and eradicate ragging in colleges and educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prohibition and Eradication of Ragging Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Committee" means the anti-ragging committee constituted under section 7; "helpline" means the anti-ragging helpline established under section 9 of this Act;

(c) "educational institution" means any college, institute, university whether established by the Government or by any citizen or body of citizens and whether in receipt of aid from Government or not, recognised by Central or State Government for the award of a certificate, diploma or a degree in any course of study, education or training;

(d) "freshers" means those students who have taken admission in the first year of under-graduate or post-graduate level in any stream in any college or educational institution;

(e) "head of the institution" means the Vice-Chancellor in case of a university or a deemed university and in case of any other institution or college, the Principal or the Director;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "ragging" means display of disorderly conduct by a student as defined under section 4 of this Act;

(h) "seniors" means those students who are not in first year of under-graduate or post-graduate level in any stream in any college or educational institutions.

3 of 1956.

3. (1) The Act shall apply to all institutions coming within the definition of a University under sub-section (f) of section 2 of the University Grants Commission Act, 1956, and to all institutions deemed to be a university under section 3 of the University Grants Commission Act, 1956, to all other higher educational institutions, or elements of such universities or institutions, including its departments, constituent units and all the premises, whether being academic, residential, playgrounds, canteen, hostel or other such premises of such universities, deemed universities and higher educational institutions, whether located within the campus or outside, and to all means of transportation of students, whether public or private, accessed by students for the pursuit of studies in such universities, deemed universities and higher educational institutions.

Application
of the Act.

(2) In addition to the educational institutions mentioned in sub-section (1), also applies to all vocational and professional institutions that admit students after twelve years of schooling.

4. The ragging shall constitute one or more of the following acts,—

Acts which
constitute
ragging.

(i) any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating, torturing, or handling with rudeness a fresher or any other student;

(ii) indulging in rowdy or indisciplinary activities by an student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

(iii) asking any student to do any act which such student shall not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

(iv) any act by a student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

(v) exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of student;

(vi) any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

(vii) any act of physical abuse including all variants of it; sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;

(viii) any act or abuse, by use of spoken words, telephone, short message service (SMS), e-mails, multi-media messaging service, post, public insults, pornographic material, photographs or video clips, etc., to derive perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;

(ix) any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

Burden of proof.

5. Notwithstanding anything contained in any other law, for the time being in force, in any trial under this Act, the burden of proof as to the innocence shall be on the accused.

Prohibition of ragging.

6. (1) Notwithstanding anything contained in any other law for the time being in force the Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, formulate such directives for prohibition of ragging in all colleges and educational institutions functioning under Central Government as may be prescribed.

(2) The Central Government shall, issue similar directives to all State Governments for prohibition of ragging in all colleges and educational institutions in their respective jurisdiction.

(3) The prohibition under sub-section (1) shall also be extended to all colleges and educational institutions in all Union Territories.

(4) Every public declaration of intent by any educational institution for admission of students to any course of study, brochure of admission or instruction booklet or the prospectus, in any electronic, audio-visual or print or any other media shall expressly provide that ragging is prohibited in the institution and anyone found guilty of ragging or abetting ragging whether actively or passively or being a part of conspiracy to promote ragging is liable to be punished in accordance with this Act.

Constitution of Anti-ragging committee and its functions.

7. (1) The appropriate Government shall ensure that an anti-ragging committee is constituted in every educational institution headed by the senior most faculty of the institution and consisting of representatives of civil and police administration including at least one female representative other representation from non-governmental organisation, parents, freshers and seniors.

(2) The appropriate Government shall extend its full support to the anti-ragging committee to enable it to perform its duties to the fullest to ensure that all colleges and educational institution are free from ragging and harassment of freshers.

(3) The anti-ragging committee shall perform the following functions:—

(a) to receive complaints on ragging and submit a report to the head of the institution;

(b) to take inputs from various people including staff and freshers on any incident of ragging;

(c) to conduct necessary awareness programme to enlighten the students regarding the effects of ragging;

(d) after conducting thorough investigation, action to be taken against the offenders as per the rules prescribed under this Act.

Constitution of Anti-ragging squad and its functions.

8. (1) Every educational institution shall have a anti-ragging squad.

(2) The anti-ragging squad shall function under the guidance of anti-ragging committee consisting of the representatives nominated by the head of the educational institution.

(3) The anti-ragging squad shall perform the following functions:—

(a) to make surprise checks in hostel and campus to keep a check on ragging;

(b) to report any incident of ragging to the committee;

(c) to be in constant touch with the staff and students and consult various incidence of ragging.

9. (1) The appropriate Government shall constitute an anti-ragging helpline, in the country round the clock, to register complaint from students, parents, friends or anybody who is a witness to the act of ragging.

Anti-ragging
helpline.

(2) Every educational institution shall publish the telephone numbers of the helpline and other functionaries in the district in the brochure of admission or prospectus.

(3) The complaint shall be lodged through phone, fax, e-mail or SMS or anywhere in the country throughout the year round the clock.

(4) After registration of the complaint, necessary action shall be taken by the appropriate Government in such manner as may be prescribed.

10. (1) Any student convicted under this Act shall be debarred from continuing his studies in any educational institutions for a period of three years.

Penalty.

(2) Whoever contravenes the provisions of this Act shall be punished with fine which shall not be less than rupees twenty-five thousand but which may extend to rupees one lakh or with rigorous imprisonment for a term which may extend to three years or, with both.

(3) The appropriate Government shall direct University Grants Commission or the funding agency of the college or the educational institution, as the case may be, to take such steps against the head of the educational institution who fails to curb ragging as it may deem necessary.

11. The proceeding under this Act shall be tried by the Educational Tribunal or the High Court in the respective State as far as possible.

Proceeding.

2 of 1974.

12. Save as provided under this Act, the provisions of the Code of Criminal Procedure, 1973 shall be applicable to any trial under this Act.

Provisions of
the Code of
Criminal
Procedure to
be applied.

13. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Overriding
effect of the
Act.

14. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Ragging is a serious problem. Besides the humanitarian and social aspects, which need no elaboration, it has also serious economic implications and has a bearing on the standards of education. It is a recognised form of Human Right violation. These are also instances whose students also suffered death due to forced ragging. There is a national outcry to prohibit ragging and all sections of the society demanded that the Government must take proactive steps to eradicate this menace. On the 8th May, 2009, the Hon'ble Supreme Court ordered the Union Government to implement a plan for prevention of ragging. Following this Judgment the (UGC) University Grants Commission and other regulatory authorities like All India Council for Technical Education (AICTE), Medical Council of India (MCI), Dental Council of India (DCI), etc. published a single set of regulations that would cover the entire nation and all educational institutions. The regulations of University Grants Commission (UGC) came into effect on June, 2009.

This Bill combines the essential elements of UGC regulations and the order of the Hon'ble Supreme Court. Therefore, in a certain sense, the Bill simply formalises what exists as of today. All elements of the Bill are actually in place at present.

Hence, this Bill.

DR. JANARDHAN WAGHMARE

FINANCIAL MEMORANDUM

Clause 9 of the Bill seeks to constitute an anti-ragging helpline by the appropriate Government to register complaint with regard to ragging. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

V

Bill No. XXVI of 2011

A Bill to provide for the prevention of dreadful superstitious practices of blind faith and belief in the name of so called divine, supernatural or magical power and to bring social awareness and awakening in the society with a view to protect the people against the evil and sinister practices for the sake of exploiting and harming mentally, physically and financially and to take appropriate measures to effectively contain such evil effects and spread of these harmful practices, usages and customs, and belief in black magic and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of Republic of India as follows:—

1. (1) This Act may be called the Prevention of Dreadful Superstitious Practices Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means for State, the Government of the State and in all other cases, the Central Government;

(b) “advertisement” means any notice, circular, label wrapper or other document relating to black magic and evil and superstitious practices and includes any form of direct or indirect help, abetment, participation or cooperation for practice of black magic and evil and superstitious practices;

(c) “black magic” means type of magic which is believed to use the power of the devil in order to help or harm other person;

(d) “evil practice” means commission of Acts mentioned in the schedule appended to this Act by any person himself or caused to be committed through or by instigating any other person having a harmful effect on people;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “superstition” means belief in magical casting or sacrificing human beings to appease the wrath of God or deities that cannot be explained by reason or science.

(2) The words and expressions used but not defined herein, shall have respective meanings as assigned to them in the Drugs and Magic remedies (Objectionable Advertisements) Act, 1954 and the Code of Criminal Procedure, 1973.

21 of 1954.
2 of 1974.

Prohibition of black magic and superstitious practices.

3. Notwithstanding anything to the contrary contained in any custom of any community, tribe or religion, or any published material, the practice, promotion and propagation of black magic and superstitious practices in any form is hereby prohibited.

Ban on advertisement of black magic and evil practices in any form.

4. No person shall practice or cause to be practiced, promote or cause to be promoted, advertise or cause to be advertised any act of superstition, disbelief or blind faith or black magic and evil practices, in any form as described in the Schedule appended to this Act.

Penalty.

5. (1) Any person who contravenes the provisions of this Act shall on conviction, by a court of law, be liable to be punished with rigorous imprisonment for a term which shall be not less than five years but which may extend to ten years and also with fine which shall not be less than rupees one thousand but which may extend to rupees twenty five thousand or with both.

(2) Whoever abets commission of, or attempt to commit any act or offences punishable under the Act shall be deemed to have committed that offence and shall, on conviction, be punished for such offence as provided in sub-section (1) of Section 5.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of a First Class shall try any offence punishable under this Act.

Parties to Offence.

6. When an offence is committed under this Act, each of the following Person,—

(a) who actually does the act which constitutes the offence;

(b) who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) who aids or abets another person in committing the offence;

(d) who counsels or procures any other person to commit the offence.

shall be deemed to have taken part in committing the offence and to be guilty of the offence and shall be charged with actually committing it.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence committed under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

8. Notwithstanding anything contained in any other law for the time being in force in the trial under the Act, the burden of proof as to the innocence shall be on the accused and the victim shall have the right to lead evidence in rebuttal.

Burden of Proof.

9. (1) The appropriate Government shall constitute a task force under the respective local police department for every district to deal with the cases arising out of this Act within the territorial jurisdiction of that district.

Task Force.

(2) The appropriate Government shall extend its full support to the task force to enable it to perform its duties to the fullest to curb the commission or promotion of black magic and superstitious practices or advertisement, practice, propagation of those practices in violation of provisions of this Act by any person.

(3) The task force shall comprise both policemen and women which shall be headed by a person not below the rank of a Police Inspector of the area in district or town or small cities for State level and shall have the following duties:—

(i) to detect and prevent the contravention or violation of the provisions of this Act in the area and report such cases to the nearest police station within the area and upon filing of complaint to the police station by any victim or any other person on his behalf to ensure due and speedy action thereon and to give necessary advice, guidance and help to the concerned police station;

(ii) to collect evidence for the effective prosecution of persons contravening the provisions of this Act and to report the same to the police station of the areas in which such contravention has been or is being committed; and

(iii) to discharge such other functions as may be assigned from time to time, by the appropriate Government in this behalf.

(4) Any person who obstructs the work of task force appointed under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with provisions of this Act as appears to it to be necessary or expedient for removal of the difficulty.

Power to remove difficulty.

11. The provision of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of the Act.

Power to make rules.

THE SCHEDULE

[See Section 2(1)(d)]

(i) Under the pretext of expelling the ghost assaulting by tying a person with rope or chain, beating by stick or whip, to make the person drink footwear soaked water, giving chilli smoke, hanging a person to roof, sacrifice human being or bury him in the pillars or foundation of a building, fixing him with rope or by hair or plucking his hair, causing pain by way of touching heated object to organs or body of a person, adulatory, forcing a person to perform a sexual act in the open practicing magical acts, putting urine or human excreta forcibly in the mouth of a person, abusing in filthy language, indecent and obscene bodily gestures and striping and forcing girls to dance naked or practicing any such criminal or horrendous acts;

(ii) display of so called miracles by an exorcist and thereby earning money and to deceive, defraud and terrorise people by propagation and circulation of so called miracles or false claims or evil, in human, horrendous and dreadful practices;

(iii) with a view to receive blessings of super natural power, follow the evil and black magic practices which causes danger to life or grievous hurt, mental suffering, physical trauma, financial, sexual, physical exploitations and agony and sacrificing human beings to appease the so called wrath of gods/deities and to instigate, encourage or compel others to follow such superstitious practices;

(iv) doing any inhuman act in search of precious things, bounty, water resource or for similar reasons in the name of *karni*, *bhanamati* and making or trying to make human sacrifice in the name of *jaran-maran*, or dev-devaski or to advice, instigate or encourage committing such inhuman superstitious act;

(v) to create an impression by declaring that a divine spirit has influence done's body or that a person has possessed such divine spirit and thereby create fear in the mind of others or to threaten others of evil consequences for not following the advise of such person;

(vi) by declaring that a particular person practices *karni*, witchcraft, black magic or brings under the influence of ghost, or diminishes the milching capacity of a cattle by *mantra-tantra*, or create a suspicion about such person, or similarly accusing a particular person that he brings misfortune to others or is responsible for spread of diseases and thereby making the living of such person miserable, troublesome or difficult; to declare a person a *satan* or incarnation of *satan*;

(vii) in the name of *jaran-maran*, *karni*, *bhanamati* or witchcraft, or blind faith and superstition, assaulting any person, parading him naked or put a ban on his daily activities;

(viii) to create panic in the mind of public in general by way of invoking ghost by *mantras*, or threaten to invoke ghost, putting up a false show to make a person free from poisonous infection by invoking *mantras* or similar things, creating an impression that there is ghostly or divine wrath causing physical injuries and preventing a person from taking medical treatment and instead diverting him to practise *aghor* acts or treatment, threatening a person with death or causing physical pains or causing financial or psychological harm by practicing or tend to practise *mantra tantra* or black magic or witchcraft act;

(ix) prohibiting and preventing a person from taking medical treatment in case of dog, snake or scorpion bite and instead giving him treatment like *mantra-tantra*, *ganda-dora* or such other things;

(x) claiming to perform surgery by fingers, or claiming to change the sex of a foetus in womb of a woman by deceitful *sadhus*, mandicants who enthrall women for practice of black magic;

(xi) to create an impression that oneself is having special super natural powers, emanation of another person or holy spirit, or that the devotee was his wife, husband or paramour in

past birth thereby indulging into sexual activity with such person or incestuous sexual intercourse with daughter or sisters or closed relatives;

(xii) deceiving young women by seduction who is unable to conceive but wants to have children in the name of supernatural power; and

(xiii) to create an impression that a mentally retarded person is having super natural power and utilizing such person for business or occupation.

STATEMENT OF OBJECTS AND REASONS

India is a large country having people of different origin and belief. But during the recent past, there has been spurt of cases of exploitation of the common people in the society because of practice of black Magic and evil spirits, and superstition at the hands of quacks and conmen causing mental, physical and financial harm to the people. It has become absolutely necessary to take appropriate and stringent social and legal measures to effectively contain and eradicate the evil effects and spread of these harmful practices and belief in black Magic and such other evil and superstitious practices and to save the common people from falling prey to the sinister designs of the black magicians, quacks and conmen. The anti-social and harmful activities of these people are posing threat to damage the social fabric and the faith of the common people in the authentic and scientific medical remedies and cures and are driving them to take recourse to such quacks, conmen and black magicians. The proposed law will deal with such evil and black magic practices, customs, and superstitions, etc.

The Bill seeks to achieve the above objectives.

DR. JANARDHAN WAGHMARE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

V. K. AGNIHOTRI,
Secretary-General.